

## **ARTICLE 19**

### **PERMANENT-INTERMITTENT EMPLOYEES**

As per current practice, permanent-intermittent employees shall be used only for job assignments which are characterized by periodic, irregular, seasonal, or school year scheduling.

#### **SECTION 1. GENERAL PROVISIONS.**

The Employer agrees to provide a minimum call-in guarantee of three (3) hours for permanent-intermittent employees who are scheduled to work or called in to work and who, after arriving at the work location, are advised that they are not needed, or work less than three (3) hours.

Permanent-intermittent employees who work an assigned shift and who, after returning home, are called back to work, will be paid a minimum of four (4) hours at the regular rate of pay.

Where the Employer has six (6) hours of work that could be performed by one (1) permanent-intermittent employee, the Employer will assign such shift to but one (1) employee unless operating or contractual requirements necessitate otherwise.

Furloughed permanent-intermittent employees shall be scheduled to work before the recall of laid-off permanent-intermittent employees.

Permanent-intermittent employees shall not be scheduled or furloughed for the purpose of avoiding the provisions of this article.

#### **SECTION 2. ENTITLEMENTS.**

Permanent-intermittent employees shall earn benefits in accordance with current practice upon return from furlough. Seniority is accrued in accordance with Article 12.

Annual leave and sick leave shall be administered in accordance with the provisions of Article 16, Leaves. Sick leave, if approved, shall not exceed the number of hours the employee is scheduled to work.

Permanent-intermittent employees shall have their personal leave days and holiday pay calculated in accordance with Appendices D-1 and D-2.

### SECTION 3. LIMITATIONS.

The provisions of this Section shall apply only in the UA and ESA.

If a permanent-intermittent employee has been scheduled to work in one (1) work location on a full-time basis for thirteen (13) consecutive weeks, the Employer will establish a permanent position in that work location and fill the vacancy in accordance with contractual provisions. When a permanent-intermittent employee has worked for ten (10) consecutive weeks, management shall attempt to project the remaining length of the assignment. If after management review, a permanent-intermittent assignment is expected to exceed thirteen (13) consecutive weeks, the Employer will establish a permanent position in that work location, to be filled in accordance with contractual procedures, except when the permanent-intermittent assignment is to fill in behind an approved leave of absence. The employee holding the permanent-intermittent assignment may be continued beyond the thirteen (13) consecutive weeks until the permanent vacancy has been filled in accordance with the provisions of the agreement. If there is a reduction in force pending, this provision will not apply if the office where the permanent-intermittent position is located is scheduled for a reduction. Approved annual leave following and contiguous to the last scheduled day (or hours) worked shall not count for the purpose of establishing a permanent position.

### SECTION 4. SCHEDULING, FURLOUGH, LAYOFF, RECALL, AND TRANSFER IN THE UA AND ESA.

Permanent-intermittent employees and limited-term intermittent employees shall be scheduled in most seniority order. Permanent-intermittent employees and limited-term intermittent employees shall be furloughed by class/level in least seniority order within a work location. Bargaining Unit Seniority shall be as defined in Article 12, Section 2. Such furloughs and scheduling shall be to permanent-intermittent positions or limited-term intermittent positions.

A permanent-intermittent employee or a limited-term intermittent employee may change his/her work location choice(s) on a quarterly basis, effective the first day of the calendar quarter. If a change is desired such notice is to be given no later than ten (10) calendar days before the first day of the new calendar quarter.

Permanent-intermittent employees and limited-term intermittent employees must be available for scheduling upon one (1) day notice. If a permanent-intermittent employee or a limited-term intermittent employee is contacted by the Employer for scheduling and requests approval of leave or lost time because of vacation, illness, etc., the Employer may approve leave usage or lost time if operational needs permit. The Employer may then call the next most senior permanent-intermittent employee or limited-term intermittent employee on the scheduling list. At the end of the approved leave or lost time, the most senior

permanent-intermittent employee or limited-term intermittent employee shall report for duty, if she/he is still scheduled. If a permanent-intermittent employee or limited-term intermittent employee is not granted approval for leave usage or lost time and fails to report for duty, she/he shall be considered absent without leave.

Permanent-intermittent employees shall not be scheduled to work until all laid-off permanent employees for the work location have been recalled.

A permanent-intermittent employee who has status and who has been furloughed for one (1) year shall then be laid off. Such permanent-intermittent employees on layoff up to three (3) years shall have the right of recall to permanent-intermittent positions in seniority order, before additional permanent-intermittent employees are hired.

A permanent-intermittent employee who is laid off from a permanent full-time position shall retain his/her Article 13 recall rights.

#### SECTION 5. SCHEDULING, FURLOUGH, LAYOFF, RECALL AND TRANSFER IN DEPARTMENTS OTHER THAN THE UA AND ESA.

The scheduling, hours of work, furlough, layoff, and recall of permanent-intermittent employees shall continue in accordance with current departmental practices until negotiated otherwise in secondary negotiations. Any and all other issues arising out of the employment of permanent-intermittent employees shall be discussed in labor-management meetings.

Permanent-intermittent employees who have acquired status shall have transfer rights to other permanent-intermittent positions in accordance with current departmental practices.

#### SECTION 6. REPORTS PROVIDED BY THE UA.

The Appointing Authority shall continue to provide the Union with quarterly reports on use of permanent-intermittent and limited-term intermittent employees in accordance with current practice. The Union and the Employer shall meet as soon as possible after the effective date of this Agreement to determine what information on permanent-intermittent and limited-term intermittent employees is available and decide what information shall be provided the Union.

The Employer shall furnish to the Union without cost on a quarterly basis a Permanent-Intermittent and Limited-Term Intermittent Scheduling List and a Permanent-Intermittent Recall List of all employees in seniority order who have agreed to be scheduled or recalled as permanent-intermittent employees. Such lists shall include the employee's name, social security number, date of hire, and TKU number of all work locations to which the employee is willing to be scheduled or recalled.

